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Letter dated 5 October 2015 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

1. Upon instructions from my Government, I have the honour to transmit to the Security Council the official position of the Government of the Democratic Republic of the Congo in order to clarify some of the issues for the Council's consideration in the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2015/741) and in the report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2015/735). These reports are to be considered at the meeting to be held on 7 October 2015.

1. Neutralization of the Forces démocratiques de libération du Rwanda

2. In accordance with the relevant decisions of the United Nations, the African Union, the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community, the Forces armées de la République démocratique du Congo (FARDC) are fully engaged in an operation to forcibly disarm this negative force, despite the unilateral withdrawal of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

3. The strength of the Forces démocratiques de libération du Rwanda (FDLR) has been considerably reduced from the initial assessment of 1,200 combatants: a figure confirmed by the joint mission of Chiefs of General Staff and ICGLR countries, including Rwanda. The build-up of FARDC and the effectiveness of their operations against FDLR have considerably neutralized this negative force. Furthermore, tremendous human and material sacrifices have been made by the Government of the Democratic Republic of the Congo, leading to the following results being achieved:

(a) 438 FDLR members surrendered during the voluntary surrender phase (from May 2014 to 20 January 2015);

(b) 13 combatants surrendered during the intermediary phase (from 21 to 27 January 2015);

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(c) 415 FDLR combatants were neutralized during the forced disarmament phase (from 28 January to 31 July 2015);

(d) A residual force of 334 FDLR combatants (i.e. 438, 13 and 415 subtracted from 1,200) remains to be neutralized.

4. As noted in the report of the Secretary-General, disarmed FDLR ex-combatants are now cantoned in clearly identified sites. Their number can therefore easily be confirmed. In answering a question from an elected member of the Rwandan parliamentary Standing Committee on Foreign Affairs, Cooperation and Security on 11 February 2015, the Rwandan Minister of Defence, General James Kabarebe, confirmed that FDLR was no longer a military threat to Rwanda. In other words, even the Rwandan authorities recognize the remarkable progress that has been made to put an end to this negative force.

5. The Government of the Democratic Republic of the Congo wishes to confirm here its firm resolve to continue operations against all negative forces until they are fully neutralized.

6. The Government calls for more engagement from the international community in general and from the Security Council in particular for the repatriation to Rwanda of the disarmed and cantoned ex-combatants currently located in Walungu, Kanyabayonga and Kinsangani, or for their prompt resettlement in a third country outside of the Great Lakes Region. Until their repatriation or resettlement occurs, the material costs of these persons and their families should continue to be borne by the international community so that no unpredictable consequences are allowed to arise.

2. Implementation of the Nairobi Declaration (former movement of 23 March)

7. It will be recalled that the former movement of 23 March (M23) was defeated on 5 November 2013 and its combatants fled to Rwanda and Uganda: 786 elements were received in Rwanda and around 1,600 in Uganda.

8. Two identification missions were dispatched by the Democratic Republic of the Congo to Rwanda and Uganda, before undertaking to repatriate defeated ex-M23 members. The field visits resulted in the identification of 1,600 ex-combatants in Uganda, whereas only 453 were counted in Rwanda.

9. It should be recalled that the report of the United Nations Group of Experts (S/2013/433, paragraphs 36 to 43) confirmed that the leaders of M23, Sultani Makenga and Bosco Ntaganda, had established a network to recruit and enlist demobilized Rwandan soldiers. It can therefore be argued that the 336 missing combatants in Rwanda were probably Rwandan soldiers who had been demobilized upon their return or reassigned to other Rwandan units.

10. The official M23 representative appointed to the national oversight mechanism under the Framework, Mr. René Abandi, never came to Kinshasa to work in his office or to participate in the various meetings to assess implementation of the Nairobi Declaration's roadmap. To date, none of the invitations addressed to him or the appeals made to him by the international community have been acted upon.

11. It was in this context that the meetings scheduled for 20 May in Goma and 1 September 2014 in Kinshasa were boycotted by Mr. René Abandi, who however

proposed a meeting in Kampala. A solemn invitation to meet in Kinshasa on 7 and 8 November was then sent to him, as witnessed by the special envoys and special representatives acting as guarantors of the Framework, in accordance with the provisions of the Nairobi Declaration. He also declined this invitation.

12. The national oversight mechanism established a roadmap to address the issue of the commitments undertaken by several Governments under the Nairobi Declaration. Several meetings to assess the roadmap were held with the guarantors of the Framework in attendance. They all condemned the absence of the ex-M23 representative, which stopped any significant progress from being made in the implementation of the Nairobi Declaration.

13. The working group, which was established at the request of the summit held in Luanda on 18 March 2015 and comprises representatives of the United Nations, ICGLR, the Ugandan Government and the Government of the Democratic Republic of the Congo, noted that the ex-M23 political and military leadership based in Kampala and led by Mr. Sultani Makenga and Mr. Bertrand Bisimwa continued to have influence over former combatants and was urging them to reject repatriation to the Democratic Republic of the Congo.

14. In the light of the foregoing, it should be noted that the Democratic Republic of the Congo is the only side implementing the Nairobi Declaration. Conversely, the M23 leaders systematically refuse to uphold their commitments and oppose the voluntary repatriation of their combatants. This is despite the flexibility shown by the President of the Republic in deciding to allow their unconditional repatriation first to disarmament, demobilization and reintegration sites, followed by reintegration in communities freely chosen by each and every individual.

15. The final communiqué of the sixth meeting of the national oversight mechanism under the Framework condemned this attitude and stated that the ex-M23 leadership must implement the Nairobi Declaration or else would face sanctions from the international community.

16. Accordingly, the Democratic Republic of the Congo calls on the Security Council to note these obstructions and to consider appropriate sanctions.

3. The third national demobilization, disarmament and reintegration plan

17. The Democratic Republic of the Congo decided to begin implementing its third national demobilization, disarmament and reintegration plan on 17 May 2015, with full and exclusive funding from the Government. This has made it possible to build start-up facilities, to set up technical teams and equipment, and to provide food and medical care for ex-combatants. This third national programme is mainly intended for the demobilization, disarmament and socioeconomic reintegration of national former combatants. The Government of the Democratic Republic of the Congo notes that, at this stage, the contribution from MONUSCO has consisted of making two flights available to officials from the Democratic Republic of the Congo at the time of the launching ceremony.

18. The budget for the third national demobilization, disarmament and reintegration plan is $85 million. The Government of the Democratic Republic of the Congo has endorsed a contribution of $10 million to date and has already

disbursed $3 million, which helped to finance the start-up operations described in the previous paragraph. It is therefore not accurate to state that the programme was obstructed by a lack of funds from the Government.

19. In addition to some erroneous figures (for example, there are 4,558 demobilized former combatants and not 5,385), MONUSCO fails to distinguish between the sensitization of voluntary disarmament activities, conducted by FARDC in the pre-demobilization, disarmament and reintegration phase among national armed groups in the east of the Republic, and the issue of FDLR members cantoned in Walungu, Kanyabayonga and Kisangani.

20. The MONUSCO leadership has informed the Government of the Democratic Republic of the Congo that a total budget allocation of $8 million has been agreed in support of demobilization, disarmament and reintegration activities. MONUSCO has already supported the third national demobilization, disarmament and reintegration plan by covering the costs for:

(a) Two months of food supplies (from 16 July to 15 September 2015);

(b) Two months of medical supplies;

(c) Clothing kits;

(d) Some organized flights.

21. The largest expenditures were incurred by the Government of the Democratic Republic of the Congo.

22. The participants at the sixth meeting of the regional oversight mechanism under the Framework called on the international community to increase its assistance both to MONUSCO (as part of disarmament, demobilization, repatriation, resettlement and reintegration activities) and to the Government of the Democratic Republic of the Congo (under the third national demobilization, disarmament and reintegration plan).

23. The international community must provide appropriate funding, effectively cover material costs and provide for the appropriate socioeconomic reintegration of national ex-combatants, as these are the pillars of national reconciliation and peacebuilding. A failure to finance the programme and its possible weakening might give rise to frustration among these former combatants, which could have devastating consequences in terms of violence and conflict.

4. Restoration of State authority and security sector reform in the Democratic Republic of the Congo

24. State authority has been effectively restored in all of the areas formerly occupied by armed groups (ex-M23, the Allied Democratic Forces and FDLR) in North and South Kivu.

25. The territorial authorities have been established, the police have been deployed, the courts and tribunals have resumed their activities, internally displaced persons and some refugees have started to return to their communities, and the army is patrolling the entire territory to combat armed groups where necessary and to protect the population.

26. Three rapid reaction brigades are already in place, with provisions made for substantive staff and individual and collective equipment.

5. Elections

27. The Democratic Republic of the Congo is preparing to hold general elections for the third time, after those held in 2006 and 2011. The holding of these elections, scheduled for the 2015-2016 cycle, shows the will to break conclusively with the spiral of violence and instability that has characterized this process in recent decades and to commit the people of the Democratic Republic of the Congo to a lasting culture of democracy.

28. Despite the many financial and logistical constraints hampering the electoral process, the national independent electoral commission, with support from the Government, is making every effort to meet the challenge of holding transparent and credible elections conducted in an atmosphere of calm.

29. In this regard, President Joseph Kabila Kabange has been engaged in constant outreach efforts since May 2015 with all segments of society in the Democratic Republic of the Congo (politicians, civil society and religious and traditional authorities), in order to begin a national dialogue with a view to establishing a consensus on the electoral process under way, in accordance with the Constitution.

6. Sexual violence

30. The Army Command has taken draconian steps to eradicate the scourge of sexual violence, which was mainly due to newly integrated armed groups.

31. The Supreme Commander has taken strong steps to deal with this by decreeing a zero tolerance policy in this area, including by imposing military justice along the entire frontline and by appointing a personal representative to combat sexual violence and the recruitment of child soldiers. He has also promoted three women to the rank of General in order to increase awareness. The results on the ground are highly encouraging. In 2014 alone, 135 court rulings were handed down, including convictions of senior officers.

7. Child soldiers

32. It should be noted that this phenomenon dates back to 2003, when elements from different armed groups and rebellions were integrated into FARDC. This integration was critical for peace and national reconciliation.

33. Today, the Government of the Democratic Republic of the Congo has taken drastic steps to eradicate this phenomenon: firstly, biometric registration is widely used within the army and secondly, laws and other regulations to protect children are enacted and strictly enforced. The Government has recovered 46,000 child soldiers, who have returned to civilian life over the 10 years of the programme.

34. As of today, there are no children within FARDC. This finding was also the result of a joint audit carried out by the Government and the United Nations

Children's Fund. The Government of the Democratic Republic of the Congo is determined to neutralize all armed groups recruiting children.

8. Strategic dialogue with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and troop reduction

35. The Government of the Democratic Republic of the Congo desires a positive outcome to the strategic dialogue with MONUSCO, and which has been under way at the recommendation of the United Nations Secretary-General since March 2015.

36. The framework for this dialogue and its terms of reference were proposed by MONUSCO and were accepted by the Government of the Democratic Republic of the Congo because they addressed all of the Government's major concerns, namely:

(a) The resumption of joint FARDC-MONUSCO operations against FDLR;

(b) The elections;

(c) The human rights question (human rights reports produced by MONUSCO on the Democratic Republic of the Congo);

(d) The future of Radio Okapi;

(e) The issue of troop reduction.

37. Notable compromises were made on the first four points as a result of these discussions. However, the conclusion of the strategic dialogue has stalled on the issue of a troop drawdown.

38. Given the improved security situation on the ground and the progress made with security sector reform, in particular the establishment of three rapid reaction brigades, and in view of the ability of the Government of the Democratic Republic of the Congo to henceforth govern the entire national territory, including areas formerly controlled by armed groups (such as ex-M23, FDLR and Mayi-Mayi groups), the Government of the Democratic Republic of the Congo calls for the start of a gradual and significant reduction in the military component of MONUSCO.

39. In the face of this complex and multifaceted situation, the Government of the Democratic Republic of the Congo advocates for an overall solution.

40. Lastly, the Government of the Democratic Republic of the Congo reaffirms its resolve to continue the operations still under way against FDLR until this negative force is entirely eradicated. Moreover, this is the ultimate goal we all share.

41. In conclusion, the Government of the Democratic Republic of the Congo requests the Security Council:

(a) To take note of the progress made in reducing the capacity of FDLR to cause harm to the populations of Rwanda and the Democratic Republic of the Congo, and of the imperative for the international community to repatriate to Rwanda those FDLR members who have voluntarily surrendered and are cantoned in the Walungu, Kanyabayonga and Kinsangani transit camps. Prior to this repatriation, their material and humanitarian care costs should continue to be borne by the international community;

(b) To consider sanctions against the ex-M23 leadership, as proposed by Heads of States of the signatory countries to the Framework at their last high-level meeting of the regional oversight mechanism, held in New York on 29 September 2015;

(c) To demand that the international community should honour its commitments by providing significant funding to the third national demobilization, disarmament and reintegration plan in order to support the efforts mainly being undertaken by the Government of the Democratic Republic of the Congo;

(d) To take note of the effective restoration of State authority throughout territories formerly occupied by armed groups and negative forces;

(e) To take note also of the progress made by the Democratic Republic of the Congo in combatting sexual violence and the recruitment of child soldiers, and order the removal of the Democratic Republic of the Congo from the countries listed by the United Nations for those two crimes;

(f) To welcome the desire of the Democratic Republic of the Congo to achieve a positive outcome from the strategic dialogue so that joint operations against FDLR can be resumed, in accordance with the mission assigned to MONUSCO by Security Council resolution 2098 (2013), while also taking into account the sovereignty of the Democratic Republic of the Congo and recognizing the human and material sacrifices made by FARDC.

42. I should be grateful if you would arrange to have this letter circulated as a document of the Security Council.

(*Signed*) Ignace Gata **Mavita**
Ambassador
Permanent Representative